

### **STATUS OF THE CLAIMS**

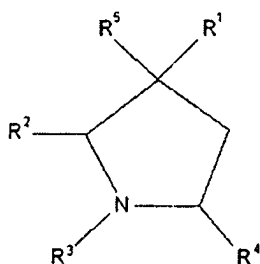
The Appellants' Claims 1-22, 27, 31 and 32 were cancelled without prejudice and without disclaimer of the subject matter thereof. Claims 23-26, 28-30, 33 and 34 are rejected and are on appeal. Claim 23 is an independent claim.

### **STATUS OF THE AMENDMENTS**

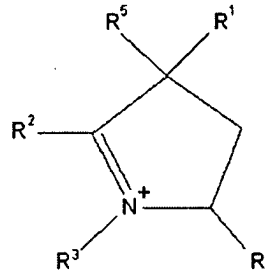
The following Response is of record: A Response filed January 25, 2008 in response to the non-final Official Action dated July 26, 2007; and a Notice of Appeal filed August 5, 2008 in response to the final Official Action dated June 25, 2008. A copy of the claims as they now stand is provided in the Claims Appendix. No amendment has been filed subsequent to the final Official Action.

### **SUMMARY OF CLAIMED SUBJECT MATTER**

The claimed subject matter in independent Claim 23 relates to a pharmaceutical composition comprising a pharmaceutically acceptable agent; and a compound selected from one of Formula I and Formula II, and pharmaceutically acceptable salts thereof:



Formula I



Formula II

where Formulas I and II include all possible geometric, racemic, diastereomeric, and enantiomeric forms and where  $R^1$  is selected from H,  $(C_1-C_6)$ alkyl,  $(C_3-C_6)$ cycloalkyl- $(C_1-C_6)$ alkyl,  $(C_3-C_6)$ cycloalkyl- $(C_1-C_6)$ alkenyl, aryl and azaaromatic;  $R^2$  is selected from hydrogen,  $(C_1-C_6)$ alkyl,  $(C_2-C_6)$ alkene, and  $(C_2-C_6)$ alkynyl, and in Formula I,  $R^2$  may additionally be selected from  $O=$  or  $HN=$ ;  $R^3$  is selected from hydrogen,  $(C_1-C_6)$ alkyl,  $(C_3-C_6)$ cycloalkyl,  $(C_2-C_6)$ alkenyl, aryl, and aryl $(C_1-C_6)$ alkyl; and  $R^4$  is  $(C_1-C_6)$ alkyl, and  $(C_3-C_6)$ cycloalkyl; and  $R^5$  is aryl or azaaromatic and may form a bond to  $R^1$  to result in a conjugated ring system; in an amount sufficient to induce analgesia and/or deter abuse of abusive substances. See the Specification at page 12, at lines 13-29; at page 13, at